

ARTICLES *OF* WAR

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ALBERT J. COOPER & CO. NEW YORK

ANNO REGNI
GEORGI II.
REGIS

Magnæ Britanniae, Franciæ, & Hiberniæ,
VICESIMO SECUNDO.

At the Parliament begun and holden at *West-*
minster, the Tenth Day of *November*, *Anno Dom.* 1747,
in the Twenty-first Year of the Reign of our Sovereign
Lord *GEORGE* the Second, by the Grace of God,
of *Great Britain, France, and Ireland*, King, Defender
of the Faith, &c.

And from thence continued by several Prorogations to the Twenty-ninth Day
of *November* 1748; being the Second Session of this present Parliament.

An ACT for amending, explaining, and reducing into One Act of
Parliament, the Laws relating to the Government of His Majesty's
Ships, Vessels, and Forces by Sea.

ALSO,

An ACT made in 19 *Geo.* III, to explain and amend the said Act.



L O N D O N:

Printed by CHARLES EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1794.

22 Geo. II.
Public Acts,
c. 33.

ANNO REGNI
GEORGI II
REGIS

Acte de la Parle
de la Chambre des Communes

At the Parliament begun and holden at Westminster the Tenth Day of November, the Twentieth Year of the said Majesty King George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc.

Enacted by the said Majesty King George the Second, by the said House of Commons, that the said Acte of the said Parliament, bearing Date the Twentieth Day of November, in the said Twentieth Year of the said Majesty King George the Second, should be and lawfully be executed, observed, and performed, according to the true intent and meaning thereof.

And the said Majesty King George the Second, by the said House of Commons, did enact, that the said Acte of the said Parliament, bearing Date the Twentieth Day of November, in the said Twentieth Year of the said Majesty King George the Second, should be and lawfully be executed, observed, and performed, according to the true intent and meaning thereof.

And the said Majesty King George the Second, by the said House of Commons, did enact, that the said Acte of the said Parliament, bearing Date the Twentieth Day of November, in the said Twentieth Year of the said Majesty King George the Second, should be and lawfully be executed, observed, and performed, according to the true intent and meaning thereof.



Printed by C. D. W. at the King's Printer, and at the Stationers' Hall, in the Strand, London, 1724.

ANNO VICESIMO SECUNDO

G E O R G I I II. Regis.

An ACT for amending, explaining, and reducing into One Act of Parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea.

WHEREAS the several Laws relating to the Sea Service, Preamble.
made at different Times, and on different Occasions,
have been found by Experience not to be so full, so clear,
so expedient, or consistent with each other, as they ought to be ;
for amending and explaining the said Laws, and for reducing
them into One uniform Act of Parliament, be it enacted by the
King's most Excellent Majesty, by and with the Advice and Con-
sent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
That, from and after the Twenty-fifth Day of *December* One
thousand seven hundred and forty-nine, an Act passed in the
Thirteenth Year of the Reign of King *Charles* the Second, inti-
tuled, *An Act for establishing Articles and Orders for the regulating* Act 13 Car. II,
and better Government of His Majesty's Navies, Ships of War, and
Forces by Sea ; and also so much of an Act passed in the Second
Year of the Reign of King *William* and Queen *Mary*, intituled,
An Act concerning the Commissioners of the Admiralty ; as directs and Part of Act
the Form of an Oath to be taken by every Officer present, upon 2 Will. & Mary,
all Trials of Offenders by Courts-martial to be held by virtue of
any Commission to be granted by the Lord High Admiral, or the
Commissioners for executing the Office of Lord High Admiral ;
and also so much of an Act passed in the Sixth Year of the Reign
of King *George* the First, intituled, *An Act for making perpetual* and Part of Act
so much of an Act made in the Tenth Year of the Reign of Queen 6 Geo. I,
Anne, for the reviving and continuing several Acts of Parliament
A 2 therein

therein mentioned, as relates to the building and repairing County Gaols; and also an Act of the Eleventh and Twelfth Years of the Reign of King William the Third, for the more effectual Suppression of Piracy; and for making more effectual the Act of the Thirteenth Year of the Reign of King Charles the Second, intituled, "*An Act for establishing Articles and Orders for the regulating and better Government of His Majesty's Navies, Ships of War, and Forces by Sea;*" as relates to the Trial and Punishment of Persons who shall commit any of the Crimes or Offences mentioned in the said Articles, upon the Shore, in any Foreign Part or Parts; and also so much of an Act passed in the Eighth Year of the Reign of King George the First, intituled, *An Act for the more effectual suppressing of Piracy*, as directs the Punishment to be inflicted by a Court-martial upon any Captain, Commander, or other Officer of any of His Majesty's Ships or Vessels of War, who shall receive on Board, or permit to be received on Board, any Goods or Merchandizes whatsoever, in order to trade or merchandize with the same, (except the Goods and Merchandizes therein excepted); and also an Act passed in the Eighteenth Year of the Reign of His present Majesty, intituled, *An Act for the regulating and better Government of His Majesty's Navies, Ships of War, and Forces by Sea; and for regulating the Proceedings upon Courts-martial in the Sea Service*; and also an Act passed in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act for further regulating the Proceedings upon Courts-martial in the Sea Service; and for extending the Discipline of the Navy to the Crews of His Majesty's Ships wrecked, lost, or taken; and for continuing to them their Wages upon certain Conditions*; shall be, and the same are hereby repealed to all Intents and Purposes whatsoever.

and Part of Act
8 Geo. I,

and Act 18 Geo. II,

and Act 21 Geo. II,
repealed.

Commencement of
the Articles.

And, for the regulating and better Government of His Majesty's Navies, Ships of War, and Forces by Sea, whereon, under the good Providence of God, the Wealth, Safety, and Strength of this Kingdom chiefly depend; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Twenty-fifth Day of December One thousand seven hundred and forty-nine, the Articles and Orders herein-after following, as well in Time of Peace as in Time of War, shall be duly observed and put in execution, in Manner herein-after mentioned.

I.  LL Commanders, Captains, and Officers, in or belonging to any of His Majesty's Ships or Vessels of War, shall cause the public Worship of Almighty God, according to the Liturgy of the Church of *England* established by Law, to be solemnly, orderly, and reverently performed in their respective Ships; and shall take Care that Prayers and Preaching, by the Chaplains in Holy Orders of the respective Ships, be performed diligently; and that the Lord's Day be observed according to Law. Public Worship to be performed.

II. All Flag Officers, and all Persons in or belonging to His Majesty's Ships or Vessels of War, being guilty of profane Oaths, Cursings, Execrations, Drunkenness, Uncleaness, or other scandalous Actions, in Derogation of God's Honour, and Corruption of good Manners, shall incur such Punishment as a Court-martial shall think fit to impose, and as the Nature and Degree of their Offence shall deserve. Penalty of Profane Swearing, and other Immoralities.

III. If any Officer, Mariner, Soldier, or other Person of the Fleet, shall give, hold, or entertain Intelligence to or with any Enemy or Rebel, without Leave from the King's Majesty, or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, Commander in Chief, or his Commanding Officer, every such Person so offending, and being thereof convicted by the Sentence of a Court-martial, shall be punished with Death. Penalty of holding illegal Correspondence with an Enemy.

IV. If any Letter or Message from any Enemy or Rebel be conveyed to any Officer, Mariner, or Soldier, or other in the Fleet, and the said Officer, Mariner, Soldier, or other as aforesaid, shall not, within Twelve Hours, having Opportunity so to do, acquaint his superior Officer, or the Officer commanding in Chief, with it; or if any superior Officer being acquainted therewith, shall not in convenient Time reveal the same to the Commander in Chief of the Squadron, every such Person so offending, and being convicted thereof, by the Sentence of the Court-martial, shall be punished with Death, or such other Punishment as the Nature and Degree of the Offence shall deserve, and the Court-martial shall impose. Penalty of not acquainting the superior Officer with any Letter or Message sent from an Enemy.

V. All Spies, and all Persons whatsoever who shall come, or be found, in the Nature of Spies, to bring or deliver any seducing Letters or Messages from any Enemy or Rebel, or endeavour to corrupt any Captain, Officer, Mariner, or other in the Fleet, to betray his Trust, being convicted of any such Offence, by the Penalty of Persons being found to be Spies, and of delivering seducing Letters, &c. from an Enemy.
Sentence

Sentence of the Court-martial, shall be punished with Death, or such other Punishment as the Nature and Degree of the Offence shall deserve, and the Court-martial shall impose.

Penalty of relieving
an Enemy.

VI. No Person in the Fleet shall relieve an Enemy or Rebel with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other Supplies whatsoever, directly or indirectly, upon Pain of Death, or such other Punishment as the Court-martial shall think fit to impose, and as the Nature and Degree of the Crime shall deserve.

Penalty of not send-
ing to the Court of
Admiralty all
Papers found
Aboard Prize Ships.

VII. All the Papers, Charter Parties, Bills of Lading, Passports, and other Writings whatsoever, that shall be taken, seized or found Aboard any Ship or Ships which shall be surprized or taken as Prize, shall be duly preserved, and the very Originals shall, by the Commanding Officer of the Ship which shall take such Prize, be sent intirely, and without Fraud, to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether such Prize be lawful Capture, there to be viewed, made use of, and proceeded upon according to Law; upon Pain that every Person offending herein shall forfeit and lose his Share of the Capture, and shall suffer such further Punishment as the Nature and Degree of his Offence shall be found to deserve, and the Court-martial shall impose.

Penalty of taking
Money or other
Effects out of any
Prize before the
same shall be con-
demned.

VIII. No Person in or belonging to the Fleet shall take out of any Prize, or Ship seized for Prize, any Money, Plate, or Goods, unless it shall be necessary for the better securing thereof, or for the necessary Use and Service of any of His Majesty's Ships or Vessels of War, before the same be adjudged lawful Prize in some Admiralty Court; but the full and entire Account of the Whole, without Imbezzlement, shall be brought in, and Judgement passed intirely upon the Whole without Fraud, upon Pain that every Person offending herein shall forfeit and lose his Share of the Capture, and suffer such further Punishment as shall be imposed by a Court-martial, or such Court of Admiralty, according to the Nature and Degree of the Offence.

Penalty of strip-
ping, or ill-using
Persons taken on
Board a Prize.

IX. If any Ship or Vessel shall be taken as Prize, none of the Officers, Mariners, or other Persons on Board her, shall be stripped of their Clothes, or in any Sort pillaged, beaten, or evil-intreated, upon Pain that the Person or Persons so offending shall be liable to such Punishment as a Court-martial shall think fit to inflict.

Penalty of not pre-
paring for Fight,
and encouraging

X. Every Flag Officer, Captain, and Commander in the Fleet, who, upon Signal or Order of Fight, or Sight of any Ship or Ships which

which it may be his Duty to engage, or who, upon Likelihood of Engagement, shall not make the necessary Preparations for Fight, and shall not in his own Person, and according to his Place, encourage the inferior Officers and Men to fight courageously, shall suffer Death, or such other Punishment as from the Nature and Degree of the Offence a Court-martial shall deem him to deserve; and if any Person in the Fleet shall treacherously or cowardly yield or cry for Quarter, every Person so offending, and being convicted thereof by the Sentence of a Court-martial, shall suffer Death.

XI. Every Person in the Fleet, who shall not duly observe the Orders of the Admiral, Flag Officer, Commander of any Squadron or Division, or other his superior Officer, for assailing, joining Battle with, or making Defence against any Fleet, Squadron, or Ship; or shall not obey the Orders of his superior Officer as aforesaid in Time of Action, to the best of his Power; or shall not use all possible Endeavours to put the same effectually in Execution; every such Person so offending, and being convicted thereof by the Sentence of the Court-martial, shall suffer Death, or such other Punishment as from the Nature and Degree of the Offence a Court-martial shall deem him to deserve.

XII. Every Person in the Fleet, who through Cowardice, Negligence, or Disaffection, shall in Time of Action withdraw or keep back, or not come into the Fight or Engagement; or shall not do his utmost to take or destroy every Ship which it shall be his Duty to engage; and to assist and relieve all and every of His Majesty's Ships, or those of His Allies, which it shall be his Duty to assist and relieve; every such Person so offending, and being convicted thereof by the Sentence of a Court-martial, shall suffer Death.

XIII. Every Person in the Fleet, who through Cowardice, Negligence, or Disaffection, shall forbear to pursue the Chace of any Enemy, Pirate, or Rebel, beaten or flying; or shall not relieve and assist a known Friend in View to the utmost of his Power; being convicted of any such Offence by the Sentence of a Court-martial, shall suffer Death.

XIV. If, when Action, or any Service shall be commanded, any Person in the Fleet shall presume to delay or discourage the said Action or Service, upon Pretence of Arrears of Wages, or upon any Pretence whatsoever; every Person so offending, being convicted thereof by the Sentence of the Court-martial, shall suffer

the Men in Time of Action.

Penalty of disobeying the Orders of the Commanding Officer in Time of Action, &c.

Penalty of Cowardice, or other Neglect of Duty in Time of Action.

Penalty of not pursuing the Enemy, and of not assisting a Friend in View.

Penalty of delaying or discouraging the Service, on Account of Arrears of Wages, or other Pretences.

Penalty of deserting to the Enemy, or running away with any Ship of War, or Stores.

Penalty of deserting, or enticing others so to do ;

or entertaining a Deserter, without giving Notice to the Captain to whose Vessel he belongs.

Penalty of not taking Care of and defending Ships under Convoy.

fer Death, or such other Punishment as from the Nature and Degree of the Offence a Court-martial shall deem him to deserve.

XV. Every Person in or belonging to the Fleet, who shall desert to the Enemy, Pirate, or Rebel, or run away with any of His Majesty's Ships or Vessels of War, or any Ordnance, Ammunition, Stores, or Provision belonging thereto, to the weakening of the Service, or yield up the same cowardly or treacherously to the Enemy, Pirate, or Rebel, being convicted of any such Offence by the Sentence of the Court-martial, shall suffer Death.

XVI. Every Person, in or belonging to the Fleet, who shall desert, or entice others so to do, shall suffer Death, or such other Punishment as the Circumstances of the Offence shall deserve, and a Court-martial shall judge fit : And if any Commanding Officer of any of His Majesty's Ships or Vessels of War shall receive or entertain a Deserter from any other of His Majesty's Ships or Vessels, after discovering him to be such Deserter, and shall not with all convenient Speed give Notice to the Captain of the Ship or Vessel to which such Deserter belongs ; or, if the said Ships or Vessels are at any considerable Distance from each other, to the Secretary of the Admiralty, or to the Commander in Chief ; every Person so offending, and being convicted thereof by the Sentence of the Court-martial, shall be cashiered.

XVII. The Officers and Seamen of all Ships appointed for Convoy and Guard of Merchant Ships, or of any other, shall diligently attend upon that Charge, without Delay, according to their Instructions in that Behalf ; and whosoever shall be faulty therein, and shall not faithfully perform their Duty, and defend the Ships and Goods in their Convoy, without either diverting to other Parts or Occasions, or refusing or neglecting to fight in their Defence, if they be assailed, or running away cowardly, and submitting the Ships in their Convoy to Peril and Hazard ; or shall demand or exact any Money or other Reward from any Merchant or Master for convoying of any Ships or Vessels intrusted to their Care, or shall misuse the Masters or Mariners thereof, shall be condemned to make Reparation of the Damage to the Merchants, Owners, and others, as the Court of Admiralty shall adjudge ; and also be punished criminally, according to the Quality of their Offences, be it by Pains of Death, or other Punishment, according as shall be adjudged fit by the Court-martial.

XVIII. IF

XVIII. If any Captain, Commander, or other Officer of any of His Majesty's Ships or Vessels, shall receive on Board, or permit to be received on Board such Ship or Vessel, any Goods or Merchandizes whatsoever, other than for the sole Use of the Ship or Vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant, or other Ship or Vessel which may be shipwrecked, or in imminent Danger of being shipwrecked either on the High Seas, or in any Port, Creek, or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any Time be ordered to take or receive on Board by Order of the Lord High Admiral of *Great Britain*, or the Commissioners for executing the Office of Lord High Admiral for the Time being; every Person so offending, being convicted thereof by the Sentence of the Court-martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any Place or Office in the Naval Service of His Majesty, His Heirs and Successors.

Penalty of taking any Goods on Board, other than for the Use of the Vessel, except Gold, Silver, Jewels, &c.

XIX. If any Person in or belonging to the Fleet, shall make, or endeavour to make, any mutinous Assembly upon any Pretence whatsoever, every Person offending herein, and being convicted thereof by the Sentence of the Court-martial, shall suffer Death: And if any Person in or belonging to the Fleet shall utter any Words of Sedition or Mutiny, he shall suffer Death, or such other Punishment as a Court-martial shall deem him to deserve: And if any Officer, Mariner, or Soldier, in or belonging to the Fleet, shall behave himself with Contempt to his superior Officer, such superior Officer being in the Execution of his Office, he shall be punished according to the Nature of his Offence by the Judgment of a Court-martial.

Penalty of making mutinous Assemblies,

or uttering seditious Words.

XX. If any Person in the Fleet shall conceal any traiterous or mutinous Practice or Design, being convicted thereof by the Sentence of a Court-martial, he shall suffer Death, or such other Punishment as a Court-martial shall think fit; and if any Person, in or belonging to the Fleet, shall conceal any traiterous or mutinous Words spoken by any, to the Prejudice of His Majesty or Government, or any Words, Practice, or Design, tending to the Hindrance of the Service, and shall not forthwith reveal the same to the Commanding Officer, or being present at any Mutiny, or Sedition, shall not use his utmost Endeavours to suppress the same, he shall be punished as a Court-martial shall think he deserves.

Penalty of concealing any traiterous or mutinous Practice, Design,

or Words.

Penalty of endeavouring to stir up any Disturbance on Account of the Unwholesomeness of the Victual, or other just Ground.

Penalty of striking, &c. a superior Officer,

or of quarrelling with, or disobeying his lawful Commands in the Execution of his Office.

Penalty of quarrelling, &c. or using reproachful Speech or Gestures.

Penalty of wasting or embezzling the Stores, &c.

Penalty of burning any Magazine or Vessel, &c. not belonging to an Enemy.

XXI. If any Person in the Fleet shall find Cause of Complaint of the Unwholesomeness of the Victual, or upon other just Ground, he shall quietly make the same known to his Superior, or Captain, or Commander in Chief, as the Occasion may deserve, that such present Remedy may be had as the Matter may require; and the said Superior, Captain, or Commander in Chief, shall, as far as he is able, cause the same to be presently remedied; and no Person in the Fleet, upon any such or other Pretence, shall attempt to stir up any Disturbance, upon Pain of such Punishment as a Court-martial shall think fit to inflict, according to the Degree of the Offence.

XXII. If any Officer, Mariner, Soldier, or other Person in the Fleet, shall strike any of his superior Officers, or draw, or offer to draw, or lift up any Weapon against him, being in the Execution of his Office, on any Pretence whatsoever, every such Person being convicted of any such Offence, by the Sentence of a Court-martial, shall suffer Death; and if any Officer, Mariner, Soldier, or other Person in the Fleet, shall presume to quarrel with any of his superior Officers, being in the Execution of his Office, or shall disobey any lawful Command of any of his superior Officers; every such Person being convicted of any such Offence, by the Sentence of a Court-martial, shall suffer Death, or such other Punishment as shall, according to the Nature and Degree of his Offence, be inflicted upon him by the Sentence of a Court-martial.

XXIII. If any Person in the Fleet shall quarrel or fight with any other Person in the Fleet, or use reproachful or provoking Speeches or Gestures, tending to make any Quarrel or Disturbance, he shall, upon being convicted thereof, suffer such Punishment as the Offence shall deserve, and a Court-martial shall impose.

XXIV. There shall be no wasteful Expence of any Powder, Shot, Ammunition, or other Stores in the Fleet, nor any Embezzlement thereof; but the Stores and Provisions shall be carefully preserved, upon Pain of such Punishment to be inflicted upon the Offenders, Abettors, Buyers, and Receivers, (being Persons subject to Naval Discipline) as shall be by a Court-martial found just in that Behalf.

XXV. Every Person in the Fleet, who shall unlawfully burn or set fire to any Magazine or Store of Powder, or Ship, Boat, Ketch, Hoy, or Vessel, or Tackle or Furniture thereunto belonging, not then appertaining to an Enemy, Pirate, or Rebel, being convicted of any such Offence, by the Sentence of a Court-martial, shall suffer Death.

XXVI. Care

XXVI. Care shall be taken in the conducting and steering of any of His Majesty's Ships, that through Wilfulness, Negligence, or other Defaults, no Ship be stranded, or run upon any Rocks or Sands, or split or hazarded, upon Pain that such as shall be found guilty therein, be punished by Death, or such other Punishment as the Offence, by a Court-martial, shall be judged to deserve. Penalty of Neglect in the conducting and steering of Ships.

XXVII. No Person in or belonging to the Fleet shall sleep upon his Watch, or negligently perform the Duty imposed on him, or forsake his Station, upon Pain of Death, or such other Punishment as a Court-martial shall think fit to impose, and as the Circumstances of the Case shall require. Penalty of sleeping on Watch, and forsaking his Station.

XXVIII. All Murders committed by any Person in the Fleet, shall be punished with Death by the Sentence of a Court-martial. Penalty of committing Murder.

XXIX. If any Person in the Fleet shall commit the unnatural and detestable Sin of Buggery or Sodomy with Man or Beast, he shall be punished with Death by the Sentence of a Court-martial. Penalty of committing Buggery or Sodomy.

XXX. All Robbery committed by any Person in the Fleet, shall be punished with Death, or otherwise, as a Court-martial, upon Consideration of Circumstances, shall find meet. Penalty of committing Robbery.

XXXI. Every Officer, or other Person in the Fleet, who shall knowingly make or sign a false Muster or Muster-Book, or who shall command, counsel, or procure the Making or Signing thereof, or who shall aid or abet any other Person in the Making or Signing thereof, shall, upon Proof of any such Offence being made before a Court-martial, be cashiered, and rendered incapable of further Employment in His Majesty's Naval Service. Penalty of making or signing false Musters.

XXXII. No Provost-martial belonging to the Fleet shall refuse to apprehend any Criminal, whom he shall be authorised by legal Warrant to apprehend, or to receive or keep any Prisoner committed to his Charge, or wilfully suffer him to escape being once in his Custody, or dismiss him without lawful Order, upon Pain of such Punishment as a Court-martial shall deem him to deserve; and all Captains, Officers, and others in the Fleet, shall do their Endeavour to detect, apprehend, and bring to Punishment all Offenders, and shall assist the Officers appointed for that Purpose therein, upon Pain of being proceeded against, and punished by a Court-martial, according to the Nature and Degree of the Offence. Penalty of not apprehending Prisoners, and permitting them to escape.

XXXIII. If any Flag Officer, Captain, or Commander, or Lieutenant belonging to the Fleet, shall be convicted before a Court-martial of behaving in a scandalous, infamous, cruel, Penalty of scandalous, oppressive, or fraudulent Behaviour of Officers.
oppressive,

Penalty of Mutiny, Desertion, or Disobedience, of Persons in actual Service and full Pay, on Shore.

Penalty of Persons in actual Service and full Pay, committing on Shore any of the Crimes punishable by these Articles.

All other Crimes not Capital, &c. to be punished according to the Custom of the Navy.

No Sentence of Imprisonment to be for a longer Term than 2 Years.

Court-martial not to try any Offences,

except those specified in the 5, 34, 35 Articles, which shall not be committed within the Jurisdiction of the Admiralty.

oppressive, or fraudulent Manner, unbecoming the Character of an Officer, he shall be dismissed from His Majesty's Service.

XXXIV. Every Person being in actual Service and full Pay, and Part of the Crew in or belonging to any of His Majesty's Ships or Vessels of War, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful Command, in any Part of His Majesty's Dominions on Shore, when in actual Service relative to the Fleet, shall be liable to be tried by a Court-martial, and suffer the like Punishment, for every such Offence, as if the same had been committed at Sea on Board any of His Majesty's Ships or Vessels of War.

XXXV. If any Person who shall be in actual Service and full Pay in His Majesty's Ships and Vessels of War, shall commit upon the Shore, in any Place or Places out of His Majesty's Dominions, any of the Crimes punishable by these Articles and Orders, the Persons so offending shall be liable to be tried and punished for the same, in like Manner, to all Intents and Purposes, as if the said Crimes had been committed at Sea, on Board any of His Majesty's Ships or Vessels of War.

XXXVI. All other Crimes not Capital, committed by any Person or Persons in the Fleet, which are not mentioned in this Act, or for which no Punishment is hereby directed to be inflicted, shall be punished according to the Laws and Customs in such Cases used at Sea.

Provided always, That no Person convicted of any Offence, shall, by the Sentence of any Court-martial to be held by virtue of this Act, be adjudged to be imprisoned for a longer Term than the Space of Two Years.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to empower any Court-martial to be constituted by virtue of this Act, to proceed to the Punishment or Trial of any of the Offences specified in the several Articles contained in this Act, or of any Offence whatsoever (other than the Offences specified in the Fifth, Thirty-fourth, and Thirty-fifth of the foregoing Articles and Orders) which shall not be committed upon the main Sea, or in great Rivers only, beneath the Bridges of the said Rivers nigh to the Sea, or in any Haven, River, or Creek within the Jurisdiction of the Admiralty, and which shall not be committed by such Persons as at the Time of the Offence committed shall be in actual Service and full Pay in the Fleet or Ships of

of War of His Majesty, His Heirs or Successors, such Persons only excepted, and for such Offences only, as are described in the Fifth of the foregoing Articles and Orders.

Provided also, That nothing in this Act contained shall extend, or be construed to extend, to empower any Court-martial to be constituted by virtue of this Act, to proceed to the Punishment or Trial of any Land Officer or Soldier on Board any Transport Ship, for any of the Offences specified in the several Articles contained in this Act.

And it is hereby further enacted, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, the Lord High Admiral of *Great Britain*, or the Commissioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being, shall have full Power and Authority to grant Commissions to any Officer commanding in Chief any Fleet or Squadron of Ships of War, to call and assemble Courts-martial, consisting of Commanders and Captains; and that in case any Officer commanding in Chief any Fleet or Squadron of Ships of War (who shall be authorized by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, to call and assemble Courts-martial in Foreign Parts) shall happen to die, or be recalled, or removed from his Command, then the Officer upon whom the Command of the said Fleet or Squadron shall devolve, and so from Time to Time the Officer who shall have the Command of the said Fleet or Squadron, shall have the same Power to call and assemble Courts-martial, as the First Commander in Chief of the said Fleet or Squadron was invested with.

Provided always, and it is hereby enacted and declared, That no Commander in Chief of any Fleet or Squadron of His Majesty's Ships, or Detachment thereof, consisting of more than Five Ships, shall preside at any Court-martial in Foreign Parts, but that the Officer next in Command to such Officer commanding in Chief shall hold such Court-martial, and preside thereat; any Law, Custom, or Usage, to the contrary notwithstanding.

And it is hereby further enacted, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, in case any Commander in Chief of any Fleet or Squadron of His Majesty's Ships or Vessels of War in Foreign Parts shall detach any Part of such Fleet or Squadron, every

Commander

No Land Officer or Soldier, on Board any Transport Ship, to be tried for any of the said Offences by a Naval Court-martial.

The Lords of the Admiralty empowered to grant Commissions to the Commander in Chief for holding Courts-martial.

The Commander in Chief dying, recalled, or removed, the next in Command empowered to hold Courts-martial.

The Officer next in Command to the Commander in Chief, where there are more than 5 Ships, to preside at Courts-martial held in Foreign Parts.

Commanders in Chief to empower the Commanders of a Squadron ordered on separate Service, to hold Courts-martial.

Commander in Chief shall, and he is hereby authorized and required, by Writing under his Hand, to empower the Chief Commander of the Squadron or Detachment so ordered on such separate Service (and in case of his Death or Removal, the Officer to whom the Command of such separate Squadron or Detachment shall belong) to hold Courts-martial, during the Time of such separate Service, or until the Commander of the said Detachment for the Time being shall return to his Commander in Chief, or shall come under the Command of any other his superior Officer, or return to *Great Britain* or *Ireland*.

If 5 or more Ships shall meet in Foreign Parts, the Senior Officer to hold Courts-martial, and preside thereat.

Where it shall be improper for the Person next in Command to the Senior Officer to hold Courts-martial in Foreign Parts, the Third Officer in Command to preside.

The Lords of the Admiralty empowered to appoint Officers in the Ports of *Great Britain* or *Ireland* to hold Courts-martial.

Provided always, and it is hereby further enacted, That if any Five or more of His Majesty's Ships or Vessels of War shall happen to meet together in Foreign Parts, then, and in such Case, it shall be lawful for the Senior Officer of the said Ships or Vessels to hold Courts-martial, and preside thereat, from Time to Time as there shall be Occasion, during so long Time as the said Ships or Vessels of War, or any Five or more of them, shall continue together.

Provided nevertheless, and be it also enacted, That where any material Objection occurs, which may render it improper for the Person who is next in Command to the Senior Officer or Commander in Chief of any Fleet or Squadron of His Majesty's Ships of War in Foreign Parts to hold Courts-martial, or preside thereat, in such Case it shall be lawful for the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the Time being, as also the Commander in Chief of any such Fleet or Squadron of His Majesty's Ships in Foreign Parts respectively, to appoint the Third Officer in Command to preside at, or hold such Court-martial.

And it is hereby further enacted, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, it shall be lawful for the Lord High Admiral of *Great Britain*, or the Commissioners for executing the Office of Lord High Admiral for the Time being, and they are hereby respectively authorized, from Time to Time, as there shall be Occasion, to direct any Flag Officer, or Captain of any of His Majesty's Ships of War, who shall be in any Port of *Great Britain* or *Ireland*, to hold Courts-martial in any such Port, provided such Flag Officer or Captain be the First, Second, or Third in Command in such Port, as shall be found most expedient, and for the Good of His Majesty's Service; and such Flag Officer or Captain, so directed to

to hold Courts-martial, shall preside at such Court-martial; any Thing herein contained to the contrary notwithstanding.

And it is hereby further enacted, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, no Court-martial, to be held or appointed by virtue of this present Act, shall consist of more than Thirteen, or of less than Five Persons, to be composed of such Flag Officers, Captains, or Commanders then and there present, as are next in Seniority to the Officer who presides at the Court-martial.

A Court-martial not to consist of more than 13, nor less than 5 Officers.

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or any Officer empowered to order or hold Courts-martial, to direct or ascertain the particular Number of Persons of which any Court-martial, to be held or appointed by virtue of this present Act, shall consist.

The Lords of the Admiralty or Officer appointed to hold Courts-martial, not to direct the particular Number of Persons of which the Court is to consist.

Provided always, and it is hereby enacted and declared, That in case any Court-martial shall, by virtue of this Act, be appointed to be held at any Place where there are not less than Three nor yet so many as Five Officers of the Degree and Denomination of a Post Captain, or of a superior Rank, to be found, then it shall be lawful for the Officer, at the Place appointed for holding such Court-martial, who is to preside at the same, to call to his Assistance as many of the Commanders of His Majesty's Vessels, under the Rank and Degree of a Post Captain, as together with the Post Captains then and there present, will make up the Number of Five, to hold such Court-martial.

Where there are but 3 of the Rank of Post Captains, the President is to call in as many Commanders under that Rank as will make 5 in the Whole, to hold the Court-martial.

And it is hereby further enacted, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, no Member of any Court-martial, after the Trial is begun, shall go on Shore till Sentence be given, but remain on Board the Ship in which the Court shall first assemble, except in case of Sickness, to be judged of by the Court, upon Pain of being cashiered from His Majesty's Service; nor shall the Proceedings of the said Court be delayed by the Absence of any of its Members, provided a sufficient Number doth remain to compose the said Court, which shall and is hereby required to sit from Day to Day (*Sunday* always excepted) until the Sentence be given.

Penalty if a Member of the Court go on Shore, after Trial is begun, till Sentence be given.

Proceedings not to be delayed, if there is a sufficient Number to compose the Court.

Officers composing
a Court-martial to
be sworn.

And it is hereby further enacted, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, upon all Trials of Offenders by any Court-martial, all the Officers present, who are to constitute the said Court-martial, shall, before they proceed to such Trial, take such Oath as is herein-after mentioned, upon the Holy Evangelists, before the Court; which Oath the Judge Advocate, or his Deputy, or the Person appointed to officiate as such, is hereby authorized and required to administer in the Words following; (that is to say):

The Oath.

I A. B. do swear, That I will duly administer Justice, according to the Articles and Orders established by an Act passed in the Twenty-second Year of the Reign of His Majesty King George the Second, for amending, explaining, and reducing into One Act of Parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea, without Partiality, Favour, or Affection; and if any Case shall arise, which is not particularly mentioned in the said Articles and Orders, I will duly administer Justice according to my Conscience, the best of my Understanding, and the Custom of the Navy in the like Cases; and I do further swear, That I will not upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of this Court-martial, unless thereunto required by Act of Parliament.

So help me G O D.

Judge Advocate to
be sworn.

And so soon as the said Oath shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, an Oath in the following Words:

I A. B. do swear, That I will not upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of this Court-martial, unless thereunto required by Act of Parliament.

So help me G O D.

Penalty of refusing
to give Evidence,
or of prevaricating,
and of behaving
with Contempt, to
the Court;

And it is hereby further enacted, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, in case any Person in the Fleet, being called upon to give Evidence at any Court-martial, shall refuse to give his Evi-

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dence

dence upon Oath, or shall prevaricate in his Evidence, or behave with Contempt to the Court, it shall and may be lawful for such Court-martial to punish every such Offender by Imprisonment, at the Discretion of the Court, such Imprisonment not to continue longer than Three Months, in case of such Refusal or Prevarication, nor longer than One Month in the Case of such Contempt; and that all and every Person and Persons who shall commit any wilful Perjury, in any Evidence or Examination, upon Oath, at any such Court-martial, or who shall corruptly procure or suborn any Person to commit such wilful Perjury, shall and may be prosecuted in His Majesty's Court of *King's Bench* by Indictment or Information; and every Issue joined in any such Indictment or Information shall be tried by good and lawful Men of the County of *Middlesex*, or such other County as the said Court of *King's Bench* shall direct; and all and every Person and Persons being lawfully convicted upon any such Indictment or Information, shall be punished with such Pains and Penalties as are inflicted for the like Offences respectively by Two Acts of Parliament, the One made in the Fifth Year of the Reign of Queen *Elizabeth*, intituled, *An Act for Punishment of such Persons as shall procure or commit any wilful Perjury*; and the other made in the Second Year of the Reign of His present Majesty, intituled, *An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money*.

or of Perjury, or
Subornation of
Perjury.

Act 5 Eliz.

Act 2 Geo. II.

And be it further enacted by the Authority aforesaid, That in every Information or Indictment to be prosecuted by virtue of this Act for any such Offence, it shall be sufficient to set forth the Offence charged upon the Defendant, without setting forth the Commission or Authority for holding the Court-martial, and without setting forth the particular Matter tried or to be tried, or directed or intended to be tried, before such Court.

The Offence only
to be set forth in
any Information,
&c.

And it is hereby further enacted, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, no Sentence of Death given by any Court-martial held within the Narrow Seas (except in Cases of Mutiny) shall be put in Execution till after the Report of the Proceedings of the said Court shall have been made to the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, and his or their Directions shall have been given therein; and if the

Report to be made
to the Lords of the
Admiralty, &c. be-
fore Sentence of
Death (except in
Cases of Mutiny)
given by any Court-
martial, be execut-
ed.

said Court shall have been held beyond the Narrow Seas, then such Sentence of Death shall not be carried into Execution but by Order of the Commander of the Fleet or Squadron wherein Sentence was passed; and in Cases where Sentence of Death shall be passed in any Squadron, detached from any other Fleet or Squadron upon a separate Service, then such Sentence of Death (except in Cases of Mutiny) shall not be put in Execution, but by Order of the Commander of the Fleet or Squadron from which such Detachment shall have been made, or of the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral; and in Cases where Sentence of Death shall be passed in any Court-martial held by the senior Officer of Five or more of His Majesty's Ships, which shall happen to meet together in Foreign Parts pursuant to the Power herein-before given, then such Sentence of Death (except in Cases of Mutiny) shall not be carried into Execution but by Order of the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral.

Judge Advocate, or his Deputy, empowered to administer an Oath to Witnesses.

And be it further enacted and declared, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, the Judge Advocate of any Fleet for the Time being, or his Deputy, shall have full Power and Authority, and is hereby required to administer an Oath to any Witness at any Trial by Court-martial: And in the Absence of the Judge Advocate and his Deputy, the Court-martial shall have full Power and Authority to appoint any Person to execute the Office of Judge Advocate.

The Powers given by the Articles, to be in Force with respect to Crews of Ships lost or destroyed.

And be it further enacted by the Authority aforesaid, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, all the Powers given by the several Articles and Orders established by this Act, shall remain and be in full Force with respect to the Crews of such of His Majesty's Ships as shall be wrecked, or be otherwise lost or destroyed; and all the Command, Power, and Authority given to the Officers of the said Ship or Ships, shall remain and be in full Force as effectually as if such Ship or Ships to which they did belong were not so wrecked, lost, or destroyed, until they shall be regularly discharged from His Majesty's further Service, or removed into some other of His Majesty's Ships of War, or until a Court-martial shall be held, pursuant to the Custom of the Navy in such Cases, to enquire into the Causes of the Loss of the said Ship or Ships: And if upon such Enquiry it shall appear, by the Sentence of the Court-martial,

The Pay of the Officers and Men of such Ships, who

that all or any of the Officers or Seamen of the said Ship or Ships did their utmost to preserve, get off, or recover the said Ship or Ships, and since the Loss thereof have behaved themselves obedient to their superior Officers, according to the Discipline of the Navy, and the said Articles and Orders herein-before established, then all the Pay and Wages of the said Officers and Seamen, or of such of them as shall have done their Duty as aforesaid, shall continue and go on, and be paid to the Time of their Discharge or Death; or if they shall be then alive, to the Time of the holding of such Court-martial, or Removal into some other of His Majesty's Ships of War; and every such Officer and Seaman of any of His Majesty's Ships of War, who, after the Wreck or Loss of his Ship, shall act contrary to the Discipline of the Navy, and the several Articles and Orders herein-before established, or any of them, shall be sentenced by the said Court-martial, and punished as if the Ship to which he did belong was not so wrecked, lost, or destroyed.

And be it further enacted, That, from and after the said Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, all the Pay and Wages of such Officers and Seamen of any of His Majesty's Ships as are taken by the Enemy, and upon Enquiry at a Court-martial shall appear by the Sentence of the said Court to have done their utmost to defend the said Ship or Ships, and since the taking thereof, to have behaved themselves obediently to their superior Officers, according to the Discipline of the Navy, and the said Articles and Orders herein-before established, shall continue and go on, and be paid, from the Time of their being so taken, to the Time of the holding of such Court-martial, or until they shall be regularly discharged from His Majesty's Service, or removed into some other of His Majesty's Ships of War, or (if they shall die in Captivity, or not live to the Time of the holding of such Court-martial) to the Time of their Death, in such Manner, and not otherwise, as if the said Ship or Ships to which they did belong respectively, was not, or were not so taken.

Provided always, and be it further enacted, That no Person or Persons, not flying from Justice, shall be tried or punished by any Court-martial for any Offence to be committed against this Act, unless the Complaint of such Offence be made in Writing to the Lord High Admiral, or to the Commissioners for executing the Office of Lord High Admiral for the Time being, or any Commander in Chief of His Majesty's Squadrons of Ships im-

have behaved well, reserved to them.

The Pay of the Officers and Men taken by the Enemy, who have behaved well, reserved to them.

No Person, not flying from Justice, to be tried, unless Complaint in Writing be made to the Lords of the Admiralty, &c.

or a Court be ordered within 3 Years after the Offence,

or within 1 Year after the Return of the Ship or Offender.

Penalty on Officers receiving on Board any Goods contrary to Article 18 of this Act.

Application of the Forfeiture,

powered to hold Courts-martial, or unless a Court-martial to try such Offender shall be ordered by the said Lord High Admiral, or the said Commissioners, or the said Commander in Chief, either within Three Years after such Offence shall be committed, or within One Year after the Return of the Ship, or of the Squadron to which such Offender shall belong, into any of the Ports of *Great Britain* or *Ireland*, or within One Year after the Return of such Offender into *Great Britain* or *Ireland*.

And whereas by the said Act, intituled, *An Act for the more effectual suppressing of Piracy*, it is, amongst other Things, enacted in the following Words, That the said Captain, Commander, or other Officer of the said Ship or Vessel of War, and all and every the Owners and Proprietors of such Goods and Merchandizes, put on Board such Ship or Vessel of War as aforesaid, shall lose, forfeit and pay the Value of all and every such Goods and Merchandizes, so put on Board as aforesaid; One Moiety of such full Value to such Person or Persons as shall make the First Discovery, and give Information of or concerning the said Offence; the other Moiety of such full Value to and for the Use of *Greenwich Hospital*; all which Forfeitures shall and may be sued for and recovered in the High Court of Admiralty: Now, for making the said in Part recited Act more useful and effectual, be it enacted by the Authority aforesaid, That, from and after the Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, if any Captain, Commander, or other Officer of any of His Majesty's Ships or Vessels, shall receive on Board, or permit or suffer to be received on Board such Ship or Vessel, any Goods or Merchandizes, contrary to the true Intent and Meaning of the Eighteenth Article in this Act before-mentioned and hereby enacted, every such Captain, Commander, or other Officer, shall, for every such Offence, over and above any Punishment inflicted by this Act, forfeit and pay the Value of all and every such Goods and Merchandizes so received or permitted, or suffered to be received on Board as aforesaid, or the Sum of Five hundred Pounds of lawful Money of *Great Britain*, at the Election of the Informer, or Person who shall sue for the same, so that no more than One of these Penalties or Forfeitures shall be sued for and recovered by virtue of this and the said in Part recited Act, or either of them, against the same Person, for One and the same Offence; One Moiety of which Penalties or Forfeitures shall be forfeited and paid to the Person

Person who shall inform or sue for the same, and the other Moiety thereof to and for the Use of the Royal Hospital at *Greenwich*; which Forfeiture shall be sued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, or in the High Court of Admiralty, at the Election of the Informer, or Person who shall sue for the same; and the Court shall award such Costs to the Parties as shall be just; and in all Cases where Judgement or Sentence shall be given against any such Offender, the Court where such Judgement or Sentence shall be given, shall, with all convenient Speed, certify the same to the Lord High Admiral, or to the Commissioners for executing the said Office.

and Method of Recovery.

The Court to certify to the Lords of the Admiralty the Judgement.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to take away from the Lord High Admiral of *Great Britain*, or the Commissioners for executing the Office of Lord High Admiral of *Great Britain*, or any Vice Admiral, or any Judge or Judges of the Admiralty, or his or their Deputy or Deputies, or any other Officers or Ministers of the Admiralty, or any others having or claiming any Admiral Power, Jurisdiction, or Authority within this Realm, or any other the King's Dominions, or from any Person or Court whatsoever, any Power, Right, Jurisdiction, Pre-eminence, or Authority, which he or they, or any of them, lawfully hath, have, or had, or ought to have and enjoy, before the making of this Act, so as the same Person shall not be punished Twice for the same Offence.

Limitation of the Powers of this Act,

Provided nevertheless, and be it enacted, That the Repeal of the said before recited Statutes, or any Part thereof, or any Thing herein contained, shall not extend, or be deemed to extend, to discharge or avoid, or prevent any Prosecution or Suit commenced, or at any Time hereafter to be commenced, against any Person or Persons, for any Offence committed on or before the said Twenty-fifth Day of *December* One thousand seven hundred and forty-nine, or to be committed against the said Statutes, or any Part or Parts thereof, but that all Persons who have been, or shall, before the said Twenty-fifth Day of *December*, be guilty of any such Offence, shall and may be prosecuted, sued, condemned, and punished for the same, as well after as before the said Twenty-fifth Day of *December*, as if the said Statutes had not been repealed.

Repeal of the recited Statutes not to avoid any Prosecutions for Offences committed on or before 25 Dec. 1749.

ANNO DECIMO NONO

GEORGE III. Regis.

An ACT to explain and amend an Act, made in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled, An Act for amending, explaining, and reducing into One Act of Parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea.

Preamble.

Recital of an Act
22 Geo. II.

WHEREAS by an Act, made in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled, *An Act for amending, explaining, and reducing into One Act of Parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea*; it is, among other Things, enacted, That, from and after the Twenty-fifth Day of December One thousand seven hundred and forty-nine, no Member of any Court-martial, after the Trial is begun, shall go on Shore till Sentence be given, but remain on board the Ship in which the Court shall first assemble, except in case of Sickness, to be judged of by the Court, upon Pain of being cashiered from His Majesty's Service; nor shall the Proceedings of the said Court be delayed by the Absence of any of its Members, provided a sufficient Number doth remain to compose the said Court, which shall, and is thereby required to sit from Day to Day (*Sunday* always excepted) until the Sentence be given: And whereas it hath been found by Experience, that the confining Members of Courts-martial to the Ship in which such Courts-martial shall first assemble, until Sentence be given, hath

hath been attended with great Inconveniencies and Prejudice to the Healths of Officers summoned to attend as Members of Courts-martial; and it is highly necessary and expedient that such Inconveniencies should be prevented in future; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Part of the said recited Act as directs that no Member of any Court-martial, after the Trial is begun, shall go on Shore till Sentence be given, but remain on Board the Ship in which the Court shall first assemble, except in case of Sickness, to be judged of by the Court, upon Pain of being cashiered from His Majesty's Service; and that the Proceedings of the said Court shall not be delayed by the Absence of any of its Members, provided a sufficient Number doth remain to compose the said Court, which is thereby required to sit from Day to Day (*Sunday* always excepted) until the Sentence be given, shall be, and the same is hereby repealed and made void, to all Intents and Purposes whatsoever.

Part of the said Act repealed.

Provided always, and be it enacted, That the Proceedings of any Court-martial shall not be delayed by the Absence of any of its Members, provided a sufficient Number doth remain to compose such Court, which shall, and is hereby required to sit from Day to Day (*Sunday* always excepted) until the Sentence be given; any Thing herein-before contained to the contrary thereof in anywise notwithstanding: And no Member of the said Court-martial shall absent himself from the said Court during the whole Course of the Trial, upon Pain of being cashiered from His Majesty's Service, except in case of Sickness, or other extraordinary and indispensable Occasion, to be judged of by the said Court.

Proceedings of Courts-martial not to be delayed by the Absence of any Members, provided enough remain to make a Court.

No Member to be absent except on some extraordinary Occasion.

And whereas, by Two Clauses in the said Act, passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Second, it is enacted and declared, That every Person in the Fleet, who through Cowardice, Negligence, or Disaffection, shall, in Time of Action, withdraw or keep back, or not come into the Fight or Engagement, or shall not do his utmost to take or destroy every Ship which it shall be his Duty to engage, and to assist and relieve all and every of His Majesty's Ships, or those of His Allies, which it shall be his Duty to assist and relieve, and being

Two Clauses in the said Act 22 *Geo.* II. recited,

being convicted thereof by the Sentence of a Court-martial, shall suffer Death ; and also that every Person in the Fleet, who through Cowardice, Negligence, or Disaffection, shall forbear to pursue the Chace of any Enemy, Pirate, or Rebel, beaten or flying, or shall not relieve or assist a known Friend in View, to the utmost of his Power, and being convicted of any such Offence by the Sentence of a Court-martial, shall suffer Death : And whereas the restraining of the Power of the Court-martial to the inflicting of the Punishment of Death, in the several Cases recited in the said Clauses, may be attended with great Hardship and Inconvenience ; be it enacted, That, from and after the passing of this Act, it shall and may be lawful, in the several Cases recited in the said Clauses, for the Court-martial to pronounce Sentence of Death, or to inflict such other Punishment as the Nature and Degree of the Offence shall be found to deserve.

and altered.

F I N I S.

